AUSTIN CITY COUNCIL

# AGENDA

**Thursday, December 14, 2006**

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**Public Hearings and Possible Actions** **ITEM No. 80**
**RECOMMENDATION FOR COUNCIL ACTION**

**Subject:** Conduct a public hearing and approve an ordinance amending Sections 25-2-766.13 and 25-2-766 14(A) of the City Code to authorize the administrative waiver of certain interim development design standards established in the Transit-Oriented Development (TOD) Ordinance.

**Additional Backup Material**
(click to open)
- **Ordinance**
- **Staff Report**
- **TOD Rules**

**For More Information:** Sonya Lopez, 974-7694; Sylvia Arzola, 974-6448

**Boards and Commission Action:**(Recommended by Planning Commission)

The proposed amendment will authorize the administrative waiver of certain interim development design standards established in the Transit-Oriented Development (TOD) ordinance prior to the adoption of a station area plan, but meet the ordinance's intent of creating development that is compatible with and supportive of public transit and a pedestrian-oriented environment A rule will be posted that establishes principles and best practices of TOD to guide the waiver process

**ORDINANCE NO.**

**AN ORDINANCE AMENDING SECTIONS 25-2-766.13 AND 25-2-766.14 OF THE CITY CODE RELATING TO SITE DEVELOPMENT AND PARKING REGULATIONS FOR A TRANSIT ORIENTED DEVELOPMENT DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Section 25-2-766.13 *(Site Development Regulations)* of the City Code is amended to amend Subsections (B) and (D) to read:

(B) The maximum front yard and street side yard setbacks are 15 feet, except the director of the Neighborhood Planning and Zoning Department [~~Watershed Protection and Development Review Department~~] may modify a maximum setback if the director determines that:

(1) the modification is required to protect a historic structure or a tree designated as significant by the city arborist; or

(2) the modification allows an alternative development design that is compatible with and supportive of public transit and a pedestrian-oriented environment and that complies with the TOD district principles and best practices established by administrative rule.

(D) This subsection applies in a gateway zone.

(1) Building entrances are required:

(a) on the principal street; and

(b) on a street with transit service, if any.

(2) This paragraph applies to a building that is constructed along a front yard or street side yard setback line.

(a) For a depth of at least 20 feet, the minimum distance between the finished ground floor of the building and the structural portion of the ceiling is 15 feet.

(b) This requirement does not apply if the building is subject to Article 10 *(Compatibility Standards)* or if the director of the Neighborhood Planning and Zoning Department determines that the requirement is impractical because of site constraints.

(c) The director of the Neighborhood Planning and Zoning Department may modify this requirement if the director determines that the modification allows an alternative development design that is compatible with and supportive of public transit and a pedestrian-oriented environment and that complies with the TOD district principles and best practices established by administrative rule.

(3) This paragraph applies to a commercial or mixed-use building.

(a) For a ground level wall that faces a public street, at least 50 percent of the wall area that is between two and ten feet above grade must be constructed of glass with a visible transmittance rating of 0.6 or higher.

(b) The director of the Neighborhood Planning and Zoning Department may modify this requirement if the director determines that the modification allows an alternative development design that is compatible with and supportive of public transit and a pedestrian-oriented environment and that complies with the TOD district principles and best practices established by administrative rule.

**PART 2.** Section 25-2-766.14(A) *(Parking Regulations)* of the City Code is amended to read:

(A) For a building with a front yard setback of 15 feet or less, parking is prohibited in the area between the front lot line and the building. The director of the Neighborhood Planning and Zoning Department may modify this requirement if the director determines that:

(1) the modification is required to protect a historic structure or a tree designated as significant by the city arborist; or

(2) the modification allows an alternative development design that is compatible with and supportive of public transit and a pedestrian-oriented environment and that complies with the TOD district principles and best practices established by administrative rule.

**PART 3.** This ordinance takes effect on _____, 2006.

**PASSED AND APPROVED**

§
§
_____, 2006 § _____
Will Wynn
Mayor

**APPROVED:** _____ **ATTEST:** _____
David Allan Smith
City Attorney

Shirley A. Gentry
City Clerk

CODE AMENDMENT REQUEST

The Neighborhood Planning and Zoning Department (NPZD) is processing an amendment to the Transit-Oriented Development (TOD) ordinance adopted in May 2005. The proposed amendment will allow for director approval of waivers to the interim development standards established within the ordinance (recommended to the full Commission by the Codes and Ordinances Committee on October 17, 2006). A corresponding Rule will be posted (via the emergency rule posting process) along with the code amendment that establishes TOD principles and best practices to guide the waiver process.

BACKGROUND INFORMATION

The interim development regulations in the TOD ordinance address land use, building setbacks, parking placement, fenestration, and ground story building height; they are general, blanket standards that were put in place for all properties within TOD districts to prevent development from occurring, prior to the creation of a tailored station area plan, that would not conform with key TOD principles. The interim standards will be in place until a station area plan has been adopted for a particular TOD district. The proposed code amendment is sought to allow design proposals that do not comply with one or more of these interim development standards, but meet the ordinance's intent of creating development that is compatible with and supportive of public transit and a pedestrian-oriented environment.

At the October 17, 2006 meeting of the Codes and Ordinances Committee, a motion was passed that the code amendment include reference to principles and best practices of TOD so that the director of the NPZD will have established guidelines to follow when determining whether or not a waiver should be granted. In order to respond to this, the TOD principles and best practices need be incorporated into the city's technical manuals as a rule. The rule that the NPZD is in the process of posting, in combination with this proposed code amendment, is attached with your back-up. A draft ordinance will be included with back-up prior to the December 14, 2006 Council meeting; however, the sections of the code proposed for change and the proposed new language that will be in the draft ordinance is included below.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission unanimously recommended this code amendment to the City Council at their meeting on November 28, 2006.

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**Transit-Oriented Development Section of the Land Development Code**

(the following text in bold is the proposed language to be added to each of the subsections identified below; non bolded text represents current code language)

> **The director of the Neighborhood Planning and Zoning Department may modify this requirement if the director determines that the modification allows an alternative development design that is compatible with and supportive of public transit and a pedestrian-oriented environment and conforms to the TOD principles and best practices established by rule.**

AFFECTED SECTIONS OF THE CODE:

Section 25-2-766.13 *(TOD Interim Site Development Regulations)*
Subsection B.

The maximum front yard and street side yard setbacks are 15 feet.

Subsection D.2.

This paragraph applies to a building that is constructed along a front yard or street side yard setback line. For a depth of at least 20 feet, the minimum distance between the finished ground floor of the building and the structural portion of the ceiling is 15 feet.

Subsection D.3.

This paragraph applies to a commercial or mixed-use building. For a ground level wall that faces a public street, at least 50 percent of the wall area that is between two and ten feet above grade must be constructed of glass with a visible transmittance rating of 0.6 or higher.

Section 25-2-766.14(A) *(TOD Interim Parking Regulations)*
Subsection B.

For a building with a front yard setback of 15 feet or less, parking is prohibited in the area between the front lot line and the building.

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In addition to the TOD principles and best practices to be established by rule by the NPZD, the following criteria will guide the director in waiver determination:

- The alternate design creates a safer and/or more enjoyable pedestrian experience through additional buffering along busy roadways.
- The alternate design promotes the integration of the building façade with the streetscape.
- The alternate design does not create an unfriendly pedestrian environment by compromising pedestrian safety or access to the built environment.
- The alternate design provides for improved access (visual and/or physical) to the transit facility by allowing greater setbacks.
- The alternate design maintains for flexibility of use in future development.

# TRANSIT-ORIENTED DEVELOPMENT (TOD) RULE

*SECTION 1 – DEFINITION OF TOD*

Transit-oriented development (TOD) is the functional integration of land use and transit via the creation of compact, walkable, mixed-use communities within walking distance of a transit facility. A TOD brings together people, jobs, and services and is designed in a way that makes it efficient, safe, and convenient to travel on foot or by bicycle, transit, or car.

SECTION 2 – PURPOSE

Recognizing that each TOD will have its own unique character and vary with respect to site layout, design, land use composition, development intensity, and function, the following principles and best practices are presented to provide an understanding of some of the key transportation and development priorities considered necessary to create a successful TOD; how a station area is planned and develops will depend on the particular attributes and characteristics of each station site and its surrounding community. The following information describes key elements of TOD that should be used as the foundation for new projects developed within TOD areas and also as guidelines for their evaluation.

SECTION 3 – TOD PRINCIPLES

- ◊ Create a compact development pattern within an easy walk of public transit and with *sufficient density to support ridership.*
- ◊ Make the pedestrian the focus of the development strategy without excluding the auto.
- ◊ Create active places and livable communities that service daily needs and where people feel a sense of belonging and ownership.
- ◊ Include engaging, high quality public spaces (e.g. small parks or plazas) as organizing features and gathering places for the neighborhood.
- ◊ Encourage a variety of housing types near transit facilities that may be available to a wide range of ages and incomes.
- ◊ Incorporate retail into the development if it is a viable use at the location without the transit component, ideally drawing customers both from both the TOD and a major street.
- ◊ Ensure compatibility and connectivity with surrounding neighborhoods.
- ◊ Introduce creative parking strategies that integrate, rather than divide the site and reduce the sense of auto domination.
- ◊ Strive to make TODs realistic yet economically viable and valuable from a diversity of perspectives (city, transit agency, developer, resident, employer).
- ◊ Recognize that all TODs are not the same; each development is located within its own unique context and serves a specific purpose in the larger context.

SECTION 4 – TOD BEST PRACTICES

### 4.1 Encourage housing, commercial and retail uses that support transit and generate pedestrian activity.

- Transit supportive uses are high pedestrian generators that directly promote greater transit ridership and provide opportunities for multi-purpose trips

| | |
|---|---|
| Walk-up apartments | Small lot single-family |
| Condominiums and townhouses | Offices |
| Healthcare facilities | Medical clinics |
| Schools | Daycare facilities |
| Cultural institutions | Hotels |
| Health clubs | Personal services |
| Retail shops | Restaurants |
| Grocery stores | Coffee shops |
| Local pubs | Outdoor cafes |
| Entertainment facilities | Neighborhood-oriented businesses |
| Financial institutions | Dry cleaners |

- Non-transit supportive uses generate little or no transit ridership and are often dependent upon a vehicle for transporting goods. These uses may consume large amounts of land for parking, result in extremely low density development, and create environments that are unsafe and uninteresting for pedestrians.

| | |
|---|---|
| Automotive sales | Automotive services & repair |
| Car washes | Large warehouse retail |
| Warehouse and distribution | Drive-through services |
| Regional parks | Outdoor storage |
| Low density single-family | Funeral homes |
| | Excess surface parking |
| | Low intensity industrial uses |

- A mix of uses can generate transit trips throughout the day and encourage reverse commuting along the transit system by creating multiple destinations.
- Transit-supportive uses should be located as close to the station as possible; ¼ mile radius or approximately 2,000 feet is understood to be a generally accepted walking distance.

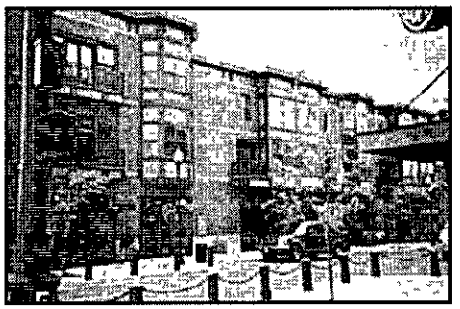
### 4.2 Promote development densities that support transit, public amenities and community businesses and services

Higher than average housing and employment densities may promote higher frequency transit service and safe, multi-modal, self-sustaining communities.

- Density concentration and transition; the highest densities are ideally located closest to the station to optimize transit rider convenience. Development intensity should taper off away from the transit facility in order to create an appropriate transition and interface with the surrounding community.
- Plan for density; station area plans should address the ability to increase density over time. Vacant lots, surface parking lots and existing low intensity uses present opportunities for future infill development.

**4.3 Use urban design to enhance the community identity of station areas and to make them attractive, safe, convenient, and interesting places.**

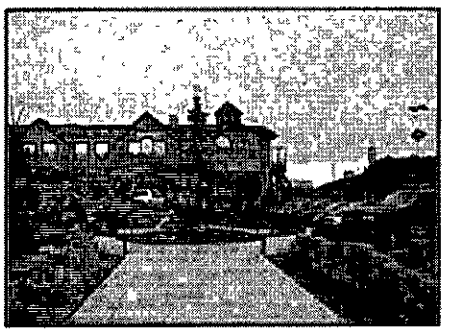
- Create streets that are visually interesting to make walking enjoyable;
- Provide a pleasant pedestrian zone and protect people from traffic using trees, landscaping, wide, separate sidewalks, and on-street parking.
- Create places to rest and relax by providing street furniture.
- Provide architectural variety by limiting blank exterior walls and making use of articulated facades and building step-backs to reduce to sense of scale of taller structures.
- Relate the ground level to pedestrian uses by orienting buildings to the street to create a visually interesting and safer pedestrian environment and to shape the public realm.
- Design for all seasons by providing weather protection along pedestrian routes and transit waiting areas; use awnings, shade trees, building projections and colonnades with enclosed shelters transit users.
- Create well-lit stations, defining landscape features, and convenient and legible signage (e.g. wayfinding systems) to orient people to buildings and activities around the station.



*Architecture and street related uses can make the street interesting _Orenco Station, Hillsboro, OR*

**4.4 Create convenient connections to and within station areas to promote pedestrian and bicycling activity by providing:**

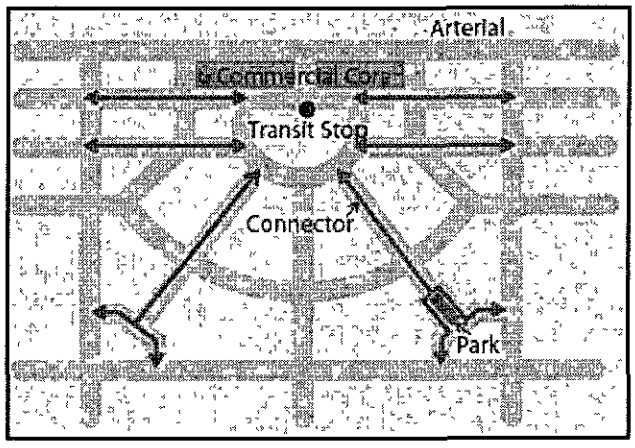
- Short walking distances between key destinations and transit
- Continuous pedestrian routes
- Direct and convenient pedestrian and bus access to rail transit
- Street level pedestrian routes with minimal stairs and grade changes
- Separate vehicular and pedestrian functions to minimize points of conflict; sidewalks and paths should have as few driveway or parking lot crossings as possible and not be disrupted by wide turning radii.
- A network of local streets and pathways to connect station area to adjacent neighborhoods.



*Clearly marked crosswalks identify space for the pedestrian _West Market Square, Calgary*

**4.5 Enhance the existing transportation network to promote access to transit and other destinations within the station area.**

- Create a compact street network with:
  - frequent, interconnected streets to increase the efficiency of transit circulation and offer more choices for pedestrians.
  - block distances of 300-500 feet to keep walking distances short and provide alternative route options.
  - a grid-based street pattern to offer multiple access points to the station and other uses within the development.




*Calthorpe, 1994*

  - street widths that are not wider than needed to accommodate "design" travel speeds, emergency vehicle access and if applicable, bicycle and/or parking lanes.

**4.6 Manage the amount and location of parking so that it does not dominate station areas and create unattractive environments and unsafe situations.**

Even though a TOD may lessen the need for automobiles in a station area, accommodating vehicles with convenient parking and drop-off zones is critical to the success of a vibrant TOD district.

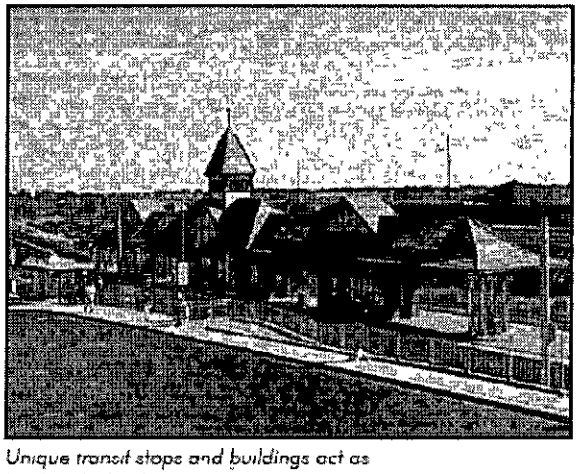
- Minimum and maximum parking standards can help ensure the success of a station area as well as optimize transit ridership.
- In general, parking should be located to the rear and sides of buildings to keep the station and building entrances oriented to the sidewalk and to pedestrians.

*Parking areas can be located behind buildings to keep the street oriented to pedestrians. Orenco station, Hillsboro, OR*

- Smaller surface parking lots do not overwhelm a station area; larger parking lots can be divided into smaller lots and separated by landscaped walkways
- Structured parking is encouraged as it consumes less land and allows maximum development; if located along key walking routes, parking structures should enhance the public environment with pedestrian-friendly facades and be designed to accommodate ground floor retail or other "active" uses where viable.
- Parking facilities should be sized and located to enhance shared-use strategies between station area destinations.
- Consider using traffic lanes as midday or temporary tow-away parking to buffer pedestrian traffic and to provide additional short-term parking to support station area uses.
- Bicycle parking should be provided since they can extend the local commuting range beyond the typical 2,000 feet. Ample, convenient and secure bicycle parking should be provided at each station, close to the entrance.

**4.7 Make each station area a "place"**

- Create a destination with a collection of unique places to attract visitors.
- Make buildings landmarks to create notable places, aid in local way-finding, and make the area attractive and memorable.
- Establish sightlines and views to and from the station to help orient pedestrians to their surroundings and to find their way.
- Public open spaces near a transit station emphasize the station as a public place, provide comfortable walking and drop-off areas for transit users, and act as central activity and gathering points for the local community; small parks or plazas should be strategically placed throughout the station area.



*Unique transit stops and buildings act as landmarks for the station area - Fish Creek/Lacombe, Station Calgary*